

### **REMARKS**

Claims 1-31 are pending in the application. Claims 1-17 and 21-31 have been withdrawn from consideration.

#### **Claim Objections**

Claims 19 and 20 have been objected to because of some informalities.

In view of this, claims 19 and 20 have been amended to overcome this rejection.

The Examiner is respectfully requested to reconsider and withdraw this objection.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Toru (JP 11-341034) in view of Malmgren (USP 6,609,012). This rejection is respectfully traversed.

Claim 18 has been amended to claim:

the transmitting device including,

.....

reception means, for the transmitting device, receiving a first external designation signal from an external device other than the transmitting device and the receiving device designating one of the plurality of data transmission antennas for use in data transmission . . . .

.....

the receiving device including,

.....

reception means, for the receiving device, receiving a second external designation signal from the external device designating one of the plurality of data reception antennas for use in data reception . . . . (*emphasis added*)

This feature is shown in Fig. 5 of the present application.

In the Office Action, the Examiner states that the Toru reference expresses that the receiver and the transmitter measure the BER of the signal and determine the switch of the antenna to meet quality of threshold, but acknowledges that it does not expressly teach the designation signal. Therefore, the Examiner relies on the Malmgren reference and alleges that it teaches radio communication system where a remote device (MT) based on BER observe, transmit a designation signal, in the form of request, to another device to request which antenna or sector is to be used.

Applicants submit that Toru discloses a base station 1 (corresponds to one of the “transmitting device” and the “receiving device” of the present invention) having a plurality of antennas, and a terminal station 2 (corresponds to the other of the “transmitting device” and the “receiving device”) also having a plurality of antennas. One of the antennas in the base station 1 and the terminal station 2 is determined based on the observed BER.

Malmgren also discloses a base station BS (corresponds to one of the “transmitting device” and the “receiving device”) and a mobile terminal MT (corresponds to the other of the “transmitting device” and the “receiving device”). In Malmgren, the mobile terminal MT is configured to initiate antenna selection (of the base station BS).

Therefore, both in Toru and Malmgren, antenna selection is made by one or both of the base station and the terminal (mobile) station.

In contrast, in the claimed invention of the present application, the “first external designation signal” and the “second external designation signal” are generated by “an external device other than the transmitting device and the receiving device,” as recited in claim 18.

Therefore, even assuming that Toru and Malmgren can be combined, which Applicants do not admit, one skilled in the art would, at best, modify the terminal station 2 of Toru such that

it has the capability of designating one of the plurality of antennas of the base station 1 as disclosed by Malmgren, and would not conceive generating the “first external designation signal” and the “second external designation signal” by “an external device other than the transmitting device and the receiving device,” as recited in claim 18.

Claims 19 and 20, dependent on claim 18, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

#### Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of the pending claims in the present application are respectfully requested.


The Examiner is respectfully requested to enter this Amendment After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Amendment After Final in that it places the application in better form for Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi, Registration No. 40417, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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